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AT LYNCHBURG, VA
FILED

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BY: JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA,)	Criminal Case No. 6:05cr00006-2
)	
v.)	<u>2255 FINAL ORDER</u>
)	
TRAVIS HOWARD VIAR.)	By: Norman K. Moon
)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss is **GRANTED**; the above referenced motion pursuant to 28 U.S.C. § 2255 is hereby **DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

Further, finding that Viar has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

Entered this 6th day of December, 2010.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE